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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,277	09/30/1999	DONALD P. PAZEL	YO9-99-302	5131
30743	7590	09/21/2004	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			OPIE, GEORGE L	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/409,277	Pazel et al.	
	<b>Examiner</b>	<b>Art Unit</b>	
	George L. Opie	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ☐ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ☐ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ☐ is/are objected to.
- 8) ☐ Claim(s) ☐ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ☐ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ☐ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ☐.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 14) ☐ Notice of References Cited (PTO-892)                      17) ☐ Interview Summary (PTO-413) Paper No(s) ☐.
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      18) ☐ Notice of Informal Patent Application (PTO-152)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ☐                      19) ☐ Other:

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### DETAILED ACTION

This Office Action is responsive to Applicant's Amendment, filed 3 May 2004.

1. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

2. Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Walton et al. (U.S. Patent 5,883,639).

As to claim 1, Walton teaches a computer implemented method of visual representation of programming objects as graphical elements (visual software engineering ... graphical objects, p5 12-40) wherein programming properties of programming objects are reflected through graphical properties of graphical elements (screen objects ... reflect changes in external data, p4 27-51) the method comprising the steps of:

detecting a change in a state of a data element representing a programming object in visual representation and shown visually on a display device (VSE object tracks a behavior function such that when a value change occurs the VSE object can change its graphical representation and update itself on the display, p13 40-52) wherein the data element represents a programming object as graphical elements and programming properties of programming objects are reflected through graphical element properties (hierarchical, object-oriented approach is used to allow properties to be attached to all "instances" of the graphics elements, p4 27-51)

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determining graphical aspect changes that apply to graphical elements of the programming object appropriate for the change in state (define the behavior of an object in response to an input value from a target application or some other system event, p7 35-47) and

applying the graphical aspect changes to corresponding graphical elements (transformation to apply to the object to get the object into that state, p21 39-43) wherein the graphical aspect changes include changes in color, position and size (graphics transformation of the object, such as change of color, move, rotate, scale ..., p9 18-25).

As to claim 2, Walton (p17 47 – p18 4) teaches traversing a list of graphical aspect references to acquire a graphic aspect for the data element and determining whether the graphic aspect applies to the change in state.

As to claim 3, Walton (p21 19-24) teaches the programming object logically contained in another object.

As to claims 4-5, Walton (p10 1-20) teaches that more than one visual representation is defined and may be used for a programming object.

As to claims 6-7, Walton (p11 28-33) teaches a visual representation of a superclass of the programming object is used as a visual representation for a subclass of the programming object.

As to claim 8, note the rejection of claim 1 above. Claim 8 is the same as claim 1, except claim 8 is an apparatus claim and claim 1 is a method claim.

As to claim 9, note the rejection of claim 1 above. Claim 9 is the same as claim 1, except claim 9 is a computer program product claim and claim 1 is a method claim.

#### **4. Response to Applicant's Arguments:**

Applicant argues (claim 1) that Walton does not teach "utilizing graphical elements for programming objects to reflect programming states for a software developer." Contrary to Applicant's contention, Walton's cited teachings do read-on the claimed "programming objects" with graphical elements that reflect changes in object properties/states. The rejection of claim 1 contains a detailed mapping of each element in the claim with its equivalent component taught in Walton's Visual Software Engineering System. Plainly, Walton shows "graphical objects in an object-oriented system" that are congruous with the recited programming objects represented as graphical elements which reflect the object's properties/states.

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In considering the programming object and graphical element recitations, it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention. The scope of the claimed "programming objects" clearly transcend the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1,5 (CCPA 1982); *In re Priest*, 199 USPQ 11, 15 (CCPA 1978).

The claimed "programming objects" are clearly subject to a broad interpretation, as detailed in the rejections maintained above. The Examiner has a *duty* and *responsibility* to the public and to Applicant to interpret the claims as *broadly as reasonably possible* during prosecution (see *In re Prater*, 56 CCPA 1381, 415F.2d 1393, 162 USPQ 541 (1969)). Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention. Furthermore, the fact that Applicant has not narrowed the definition/scope of the current claims implies that Applicant intends an extensive coverage breadth of the claims, which is clearly met by Walton's prior art software engineering system. Hence, the visual representation of programming objects, in the manner recited in the pending claims does not define a patentable distinction over the prior art.

Applicant's arguments have been fully considered but are deemed to be unpersuasive. For the reasons detailed above, the rejections are maintained as set forth supra.

5. THIS ACTION IS MADE FINAL.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Request for copy of Applicant's response on floppy disk:

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Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk. Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory; however, it will help expedite the processing of your application. Your cooperation is appreciated.

**7. Contact Information:**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private-PAIR or Public-PAIR.

Status information for unpublished applications is available through Private-PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

- ☐ All responses sent by U.S. Mail should be mailed to:

**Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**

- ☐ Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

- ☐ Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.

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□ Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at *George.Opie@uspto.gov*. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.

Note: Due to the PTO's move to Alexandria, the above-listed examiner's telephone number will be changed. As of 17 October 2004, Mr. Opie can be reached at (571) 272-3766.



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